

## **TITLE 327 WATER POLLUTION CONTROL BOARD**

**#01-348(WPCB)**

### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from June 1, 2002, through June 30, 2002, on IDEM's draft rule language. IDEM received comments from the following parties:

Indiana-American Water Company, Inc. (IAWC)

Following is a summary of the comments received and IDEM's responses thereto.

*Comment:* In 327 IAC 8-2-1(36)(A), Cryptosporidium as an indicator for ground water under the direct influence of surface water is only applicable to Subpart H systems serving > 10,000 population. (IAWC)

*Response:* IDEM agrees. The language has been changed.

*Comment:* In 327 IAC 8-2-1(46), should the rest of the information in 40 CFR § 141.2 be included? (IAWC)

*Response:* The rest of the information in 40 CFR 141.2 is not part of a definition. It has been incorporated into the rule elsewhere.

*Comment:* In 327 IAC 8-2-1(47), the definition in the federal rule also includes the following text, "MRDGLs are nonenforceable health goals and do not reflect the benefit of the addition of chemical for control of waterborne microbial contaminants". (IAWC)

*Response:* The part of the federal definition you are referring to is describing enforceability. IDEM does not include that type of information in the definition section.

*Comment:* In 327 IAC 8-2-13(a), the added text should read "as certified by the commissioner", rather than "as certified by the Commissioner". In 327 IAC 8-2.6-3(1)(C) and (2), commissioner should be lower case. (IAWC)

*Response:* IDEM agrees. The language has been changed.

*Comment:* In 327 IAC 8-2.1-8(b)(5), is (D) necessary since IDEM does not grant variances or exemptions and does not have rules in place to grant them? (IAWC)

*Response:* IDEM agrees. 327 IAC 8-2.1-8(b)(5)(D) is not necessary. The language has been removed.

*Comment:* In 327 IAC 8-2.1-16, Table 16, Section 3 should also include 327 IAC 8-2.6-3(1)(B) and 327 IAC 8-2.6-3(2) in the MCL/MRDL/TT/AL Violations Citation Column and 327 IAC 8-2.6-4 in the Monitoring and Testing Procedures Violation Column. There should also be a section as follows:

Contaminant	MCL/MRDL/TT/AL Violations Citation	Monitoring and Testing Procedures Violations Citation
Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedence of maximum allowable turbidity level	327 IAC 8-2.6-1 through 327 IAC 8-2.6-3	327 IAC 8-2.6-2 327 IAC 8-2.6-4

Also in that table, section G should include the information in 40 CFR 141, Subpart Q, Appendix A. (IAWC)

*Response:* IDEM agrees. The language has been changed.

*Comment:* The information included in 327 IAC 8-2.1-17 should also be included in 327 IAC 8-2.1-6(c). The paragraphs labeled, “Add for public notification only” will not need to be included in 327 IAC 8-2.1-6(c). After the information is added to 327 IAC 8-2.1-6(c), the labels (Add for public notification only) can be removed from the references in 327 IAC 8-2.1-17. The contaminants added to 327 IAC 8-2.1-17 also need to be added to the tables in 327 IAC 8-2.1-6(a) and (b). (IAWC)

*Response:* The contaminants in 327 IAC 8-2.1-17 were added to the tables in 327 IAC 8-2.1-6(a) and 327 IAC 8-2.1-6(b). The information in 327 IAC 8-2.1-17 was not added to 327 IAC 8-2.1-6(c) because there is no alternate health effects language for the contaminants added to 327 IAC 8-2.1-17. 327 IAC 8-2.1-6(c) refers back to 327 IAC 8-2.1-17 and only lists specific language if it is different from the language in 327 IAC 8-2.1-17.

*Comment:* In 327 IAC 8-2.5-5(b), section (3) does not seem to pertain to the analytical methods in the rest of the section. Does it belong somewhere else? It may belong in 327 IAC 8-2.5-6(b)(2). (IAWC)

*Response:* IDEM thinks the language is most appropriate where it is placed.

*Comment:* In 327 IAC 8-2.5-5(c)(3), Indiana-American Water Company, Inc. recommends the following language: “Residual disinfectant concentration may be measured by a certified operator or other competent individual under the supervision of a certified operator.” The current language does not allow people who are training to become operators and working under the direct supervision of an operator to measure residual disinfectant concentration.

In 327 IAC 8-2.5-5(e), Indiana-American Water Company, Inc. recommends the following language: “Parameters measured under subsection (d) must be measured by a certified operator or other competent individual under the supervision of a certified operator.” The current language does not allow people who are training to become operators and working under the direct supervision of an operator to measure alkalinity, pH, bromide, TOC, UV<sub>254</sub>, or DOC. (IAWC)

*Response:* IDEM agrees. The language has been changed to include other parties approved by the commissioner.

*Comment:* In 327 IAC 8-2.5-6(b)(2)(A)(ii) and (b)(2)(B), the locations to be monitored are the same, could this be listed once, and then referenced? (IAWC)

*Response:* The locations are not necessarily the same.

*Comment:* In 327 IAC 8-2.5-6(c)(2), parts (C) and (D) should be subsets of part (B). (IAWC)

*Response:* IDEM agrees. The language has been changed.

*Comment:* In 327 IAC 8-2.5-6(f)(6)(C), “or if providing water to a consecutive system” should be clarified. This requirement only applies in the federal rule if the requirements of 40 CFR § 141.29 are met. (IAWC)

*Response:* IDEM agrees. The language has been removed.

*Comment:* In 327 IAC 8-2.5-7(c)(2)(A)(iii), the reference should be to sections seven (7) through seventeen (17) of 327 IAC 8-2.1, rather than section three (3) through seventeen (17). In 327 IAC 8-2.5-7(c)(2)(B)(ii), the reference should be to sections seven (7) through seventeen (17) of 327 IAC 8-2.1, rather than sections three (3) through seventeen of 327 IAC 8-2. (IAWC)

*Response:* IDEM agrees. The language has been changed.

*Comment:* In 327 IAC 8-2.5-9(a)(2)(C)(ii)(BB), can “a violation of the National Primary Drinking Water Regulations” be referenced in the state rule without either defining it or incorporating them by reference? What is this actually a violation of? (IAWC)

*Response:* The language has been removed.

*Comment:* In 327 IAC 8-2.5-9(b) and (c), references to 2 different “Step 2”’s is confusing? (IAWC)

*Response:* The Step 2's in each respective subsection are completely independent of each other. The Steps referenced in subsection (b) are taken from federal language. The STEPS (all caps) referenced in subsection (c) are the Legislative Services Agency's (LSA) style of writing out a calculation.

*Comment:* In 327 IAC 8-2.6-1(a), viruses should be their own reference, leaving the list as follows:

- (1)Giardia lamblia
  - (2)Viruses
  - (3)Heterotrophic plate count bacteria
  - (4)Legionella
  - (5)Cryptosporidium
  - (6)Turbidity
- (IAWC)

*Response:* IDEM agrees. The language has been changed.

*Comment:* In 327 IAC 8-2.6-2, are (a) and (b) necessary or could the federal regulation (40 CFR § 141.172) be incorporated by reference since all the dates are in the past? (IAWC)

*Response:* Subsections (a) and (b) are necessary and have been adopted into the LSA style language as has the rest of this rulemaking.

*Comment:* In 327 IAC 8-2.6-4(a), the phrase “subject to the requirements of this section” is redundant. (IAWC)

*Response:* IDEM agrees. The language has been removed.

*Comment:* In 327 IAC 8-2.6-5, in order to have the correct number of significant digits, in part (2), the references in (A) and (C) should be to one and zero-tenths (1.0) and the reference in (D) should be to two and zero-tenths (2.0). (IAWC)

*Response:* IDEM agrees. The language has been changed.

*Comment:* In 327 IAC 8-2.6-6(3), requiring recycle flow information “on forms provided by the department” would require all plant schematics and other information to be on IDEM forms. In addition, if that is what is intended, should the reference be “on forms provided by the commissioner” rather than the department? (IAWC)

*Response:* IDEM agrees. The language has been clarified to specify what information will be on the forms. The language will remain “on forms provided by the department for review and evaluation by the commissioner”.